

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KARINA VICTORIA RUIZ-
ROSALES,

Defendant.

CR-16-36-GF-BMM

ORDER

Defendant Karina Victoria Ruiz-Rosales appeared before United States Magistrate Judge John Johnston on January 29, 2019, and entered a plea of guilty one count of Possession with Intent to Distribute Methamphetamine in violation of 18 U.S.C. § 2 and 21 U.S.C. § 841(a)(1), as charged in Count II of the Superseding Indictment. In exchange, the United States agreed to dismiss Count I of the Superseding Indictment. Judge Johnston entered Findings and Recommendations on January 30, 2019. (Doc. 61). Judge Johnston determined: (1) that Ruiz-Rosales was fully competent and capable of entering an informed and voluntary plea; (2) that Ruiz-Rosales was aware of the nature of the charge against her and the consequences of pleading guilty to the charge; (3) that Ruiz-Rosales understood

her constitutional rights, and the extent to which she was waving those rights by pleading guilty; and (4) that Ruiz-Rosales's plea of guilty was a knowing and voluntary plea supported by an independent basis in fact establishing each of the essential elements of the offense charged in the Indictment. (Doc. 61 at 1-2). Judge Johnston recommended that this Court accept Ruiz-Rosales's plea of guilty to Possession with Intent to Distribute Methamphetamine as charged in Count II of the Superseding Indictment. *Id.* at 2. Neither party filed objections to Judge Johnston's Findings and Recommendations.

The Court has reviewed Judge Johnston's Findings and Recommendations for clear error given that no objections were filed. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full.

Accordingly, **IT IS ORDERED:**

Ruiz-Rosales's Motion to Change Plea (Doc. 55) is **GRANTED**.

DATED this 20th day of February, 2019.



Brian Morris
United States District Court Judge